

## **District II Advisory Board Minutes**

**October 2, 2006**

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The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library, 5939 E. 9<sup>th</sup> Street North. 10 board members, 6 staff and approximately 9 citizens were in attendance. Only those individuals who signed in are listed as guests below.

### **Members Present**

Daryl Crotts  
Larry Frutiger  
Tim Goodpasture  
Joe Johnson  
David Mollhagen  
Phil Ryan  
Sarah Devries  
Aaron Mayes  
Matt Hesse  
Brian Carduff  
Council Member Sue Schlapp

### **Members Absent**

Marty Weeks

### **Staff Present**

Officer Hinnens, Community Officer  
Mike Jacobs, Public Works  
Chris Carrier, Public Works  
Donna Goltry, Planning  
Kelli Glassman, Neighborhood Assistant  
Marty Miller, Housing and Community Services

### **Guests**

Terry Grote, 538 S Edgemoor  
Mike Lindebak, 538 S Edgemoor  
Richard Giordano, 7318 Cedaridge Ct  
Mark Leivian, 1722 S Estelle  
Pat Daniels

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

The meeting was called to order at 7:02 p.m.

### **APPROVAL OF MINUTES AND AGENDA**

The meeting agenda for October 2, 2006 was approved with the exception that item number 4 and 5 be switched (**Goodpasture:Crotts, 8-0**)

The meeting minutes for September 11, 2006 were approved as submitted (**DeVries:Frutiger, 8-0**)

**DAB** did introductions and **CM Schlapp** explained the purpose of the District Advisory Board, as well as how the meeting is held for District II. She explained that she has appointed **Joe Johnson** to run the meeting, as she does not want to influence the DAB members or citizen responses.

## **PUBLIC AGENDA**

### **1. Scheduled items**

No items were submitted.

### **2. Off-agenda items**

**Mark Leivian**, 1722 S Estelle, asked to address the Board regarding Pure and Simple. **Mr. Leivian** stated that the Pure and Simple program is a teen abstinence education program where abstinent teens are chosen to make presentations to other teenagers promoting abstinence until marriage and encouraged anyone interested in getting involved or scheduling a program to contact him.

## **STAFF REPORT**

### **3. Community Police Report**

**Officer Hinnners, 39 beat**, reported the following:

- There has been a few break-ins at residential construction sites
- Detectives having been focusing on gang activity, so all drug related concerns should be reported to patrol officers
- There has been an issue with parents improperly parking to pick-up their children at Price-Harris Elementary, so there has been a petition started to put no parking signs on the west side of Armour Street

**Mayes** asked what is being done to prevent gang activity? **Officer Hinnners** replied that officers are checking addresses for people with warrants issued and increased enforcement in monitoring known high gang activity areas.

**Action Taken:** Received and filed.

## **OLD BUSINESS**

### **4. CUP2006-00036**

**Donna Goltry, Planning**, presented an update on this case which was presented at the September meeting and was deferred pending MAPC review for a CUP Amendment to DP 243 to permit an LED sign with moving images in "LC" Limited Commercial zoning, generally located SW of Harry and Greenwich (10919 E Harry.) Ms. Goltry stated that MAPC approved this request unanimously with the following amendments to General Provision 15 in the CUP:

1. The first sentence of General Provision #15 be amended as follows:  
Electronic message signs that are classified as animated, flashing or moving by the Wichita Sign Code or create the illusion of movement shall be prohibited on the entire CUP except for one monument sign panel not to exceed 48 square feet in sign face area per side on either Parcel 2 or Parcel 4 only advertising the tenants located within the CUP, and one building wall sign for a single tenant advertising only for that tenant not to exceed 32 square feet in sign face area on Parcel 2 and Parcel 4 each, with all these signs being substantially in conformance with the Exhibit 1 and 2 attached hereto; additionally any animated, flashing or

moving signs or any signs that create the illusion of movement shall reduce the lumens by at least 25 percent after dusk.

2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
4. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by MAPC, or the Governing Body, if required, or the request shall be considered denied and closed.

The Board asked for clarification does the applicant have to choose only one sign to be moving in order to comply with this CUP. **Ms. Goltry** stated that this is correct. The Board agreed that this is acceptable, as long as the bottom sign (not the top) is the one chosen to be a moving sign.

**Action Taken:** DAB recommend approval of this request as approved by MAPC. (**Hesse: Mollhagen, 10-0**)

## **5. Updates on Public Works Projects**

**Chris Carrier and Mike Jacobs, Public Works, and Mike Lindebak and Terry Grote, Cook, Flat and Stroble,** provided the Board with an update on the east Kellogg construction project as requested at the September meeting.

The presenters explained the bridge is now completed and they are now working on the eastbound lanes and are hoping to complete the northern part of the project by Christmas.

The Board and the public were allowed to ask questions (*responses in italics*):

**Frutiger** asked if traffic could still go through Rock Road and over the bridge? *It was stated that Eastbound traffic can still go through Rock Road and westbound traffic will come from Webb Road and make a turn on to frontage road or go straight.* **Frutiger** also asked if the entrance to the turnpike will be at a new traffic light. *There will be two through lanes of traffic at the turnpike entrance which will allow you to turn onto the turnpike. The work on the turnpike section should be completed around December 15.* **Frutiger** also asked if there were any expected changes to the turnpike intersection. *Not with this project, but the next project will include changes to this intersection.* **Frutiger** also had questions regarding the entrances to Towne East. *The main entrance to Towne East will be from the frontage road off Kellogg, but all other current entrances will still be able to be accessed.*

**Crotts** asked how long this project will take to complete. *This project is expected to be completed in three years.* **Crotts** also asked when the Rock Road underpass should be completed. *The Rock Road underpass will be completed during the last phase of construction in about three years.* **Crotts** also asked if the planned project designs for the construction are available to view online. *The plans are not available on the Internet yet, but we are working to get this completed.* **Crotts** further inquired if the Webb Road intersection will be an underpass

or an overpass. *This intersection will be an underpass.* **Crotts** also asked if there will be art along Rock Road. *After bids are received, they will be rejected or accepted, but any artwork designed as part of this project will be consistent with that of the textured wall seen presently further west on Kellogg.*

**Johnson** asked if it is anticipated that Eastborough will have a concern with additional traffic during construction. *No, Eastborough should not have additional traffic because Central and Rock will be closed.*

The presenters also discussed the Central Rail Corridor project. The Board was informed that the contractors have made progresses on the bridges, but this progress has been slowed due to issues with the stability of reinforcement steel used in building the t-walls, which will effect the long-term structure durability. Therefore, the upper panels of these walls have been removed. It is unsure how many of the lower panels have this defect as well, but the contractor is attempting to remedy this with injectable materials designed to strengthen the structure of the panels. This project is scheduled to be completed in the fall of 2008, but these developments will delay the completion of the project.

**Action Taken:** Received and filed.

## **NEW BUSINESS**

### **6. StopBlight**

**Kurt Schroeder, Office of Central Inspection**, presented this item. Over the past year, the City Council has expressed its desire to strengthen neighborhoods, and particularly, to find more effective ways to eliminate blighting influences such as deteriorating, vacant and/or abandoned buildings. A significant part of this effort includes the “StopBlight” initiative.

The StopBlight initiative, as first presented in a City Council workshop in early 2006, included five (5) key strategies: (1) obtaining tax delinquent property through tax foreclosure or “special” tax foreclosure purchases made by the City or qualified neighborhood non-profit entities, and working with Sedgwick County to promote more timely and frequent tax foreclosure sales; (2) identifying and developing resources to allow for bidding and/or outright purchase of properties that can be rehabilitated or redeveloped; (3) strengthening boarded and/or abandoned/long-term vacant building ordinances, policies and procedures; (4) requiring local agent designation/registration for problem properties owned by non-local persons or entities; and (5) creating means to acquire and “land-bank” land for future re-use.

At the August 15, 2006 City Council workshop, staff presented an overview of proposed ordinances, processes and procedures related to strategies 3 and 4 above, focusing primarily on proposed revisions to the current Housing Code (Chapter 20.04 of the Code of the City of Wichita) and a proposed new Vacant and Neglected Building Code (Chapter 30.01). The City Council indicated substantial support for the proposed ordinance amendments, and directed staff to prepare the ordinances for City Council review and adoption (with the understanding that the other key strategies would continue to be developed for implementation).

The ordinances were presented for City Council review and possible adoption during the September 12, 2006, City Council meeting. At that meeting, the City Council directed staff to obtain additional input on the proposed ordinances.

Primary proposed changes are outlined below for each Code Chapter. Other significant complementary policy/procedure changes to be implemented upon adoption of the ordinances are also briefly described.

#### **Chapter 20.04 – Housing Code**

Several new or significantly amended definitions, including: “Apartment building”, “Operator”, “Owner” and “Resident Agent.” The proposed modifications provide necessary clarification for enforcement and prosecution purposes, and provide key linkages to the new Vacant and Neglected Buildings Code’s building and/or out-of-county “resident agent” registration requirements.

Significant changes to Housing Code court penalties, including: (1) increased potential maximum fines per violation (for first offenses) from \$500 to \$1,000 (no minimum fine is established for first offenses); (2) increasing maximum fines for repeat offenders of the Housing Code (convictions of similar code offenses within a five-year time frame); and (3) increasing minimum fine amounts for repeat offenders. Currently, the Code has no schedule of increasing maximum fines for repeat offenders and no minimum fine amounts for repeat offenders.

New provisions in the penalties section that allow the court to order community service as part of or in lieu of fines, but only after the defendant has filed affidavits of financial condition, and the court has reviewed and determined from affidavit information that the defendant is financially unable to pay the imposed fines.

New provisions in the penalties section that allow the judge, in addition to fines and other penalties, to require a defendant to register the problem property (as required by the proposed new Vacant and Neglected Buildings Ordinance).

In addition to the proposed ordinance changes, City staff has developed (and proposes to implement) a Housing Code Diversion Program for qualified/eligible first-time offenders. The program will develop realistic and attainable compliance targets, and will attempt to connect income and otherwise eligible defendants with appropriate resources to complete required repairs.

#### **Chapter 30.01 – New Vacant Neglected and Neglected Buildings Code**

Defines “buildings” covered by the ordinance to include all structures used for residential, public, institutional, business, industrial or storage purposes.

Defines “boarded buildings”.

Defines “resident agent”.

Defines “vacant buildings” to include unoccupied buildings (whether or not boarded) for which one or more of the following has occurred: (1) the building has been the subject of two or more notices of violation of provisions of the Housing Code or the minimum maintenance code for existing non-residential buildings within the past 18 months, and the owner has failed to demonstrate due diligence to abate the violations; (2) the building is unsecured; (3) the building has sustained significant fire, wind or water damage and is uninhabitable; (4) the building has

been declared a criminal nuisance per state statute; (5) the building has been boarded for more than 90 days; (6) the building has sustained substantial deterioration due to lack of maintenance; (7) the owner has failed to appear and a warrant has been issued in municipal court for violations of the Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Vacant and Neglected Buildings Code; or (8) the owner has refused to accept service of notices of violations of the Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Vacant and Neglected Buildings Code.

Defines “neglected buildings” as occupied buildings in which one or more of the following has occurred within the past 18 months: (1) the building has been the subject of two or more notices of violation of provisions of the Housing Code or the minimum maintenance code for existing non-residential buildings within the past 18 months, and the owner has failed to demonstrate due diligence to abate the violations; (2) the building has been declared a criminal nuisance per state statute; (3) the building has sustained substantial deterioration due to lack of maintenance; (4) the owner has failed to appear and a warrant has been issued in municipal court for violations of the Minimum Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Vacant and Neglected Buildings Code; or (5) the owner has refused to accept service of notices of violations of the Minimum Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Vacant and Neglected Buildings Code.

Requires owners of vacant or neglected buildings to register such buildings with OCI, including a registration fee of \$25. The registration must include the following: (1) premise description; (2) names and addresses of the owner or owners; (3) the names and addresses of all known lien holders and all other parties with a legal or equitable interest in the building; (4) the name of the resident agent designated to act on behalf of the owner to accept legal processes and notices, and to authorize required repairs; and (5) if the building is vacant, a detailed “Statement of Intent” to be submitted within 30 days of the date that the Superintendent orders the structure to be registered.

The Statement of Intent must be reviewed and approved by the Superintendent of Central Inspection, and must include information regarding: (1) the expected period of vacancy; (2) a plan for regular maintenance during the period of vacancy; (3) a reasonable plan and time line for the sale, rehabilitation or demolition of the building; and (4) any other information required by the Superintendent of Central Inspection.

Establishes criteria for removal of vacant or neglected buildings from registration, including: (1) compliance with all environmental health and life safety standards set forth in applicable City codes; (2) removal or demolition by the property owner; or (3) abatement or demolition by the City.

Establishes civil penalties against owners of vacant and/or neglected buildings that: (1) are not registered as legally required by the Superintendent of Central Inspection; (2) do not have an acceptable and/or approved, “Statement of Intent” submitted by the owner or their designee; or (3) do not comply with the approved “Statement of Intent” action plan. A civil penalty of \$250 may be assessed for each 90-day period that a violation of the Vacant and Neglected Buildings Ordinance continues to exist, not to exceed \$1,000 per building per calendar year.

Establishes an appeals process and the procedures for owners and/or their legally designated agents to appeal decisions of the Superintendent of Central Inspection (or his designees) to the Board of Code Standards and Appeals (BCSA), and to appeal BCSA decisions to the City Council.

Does not preclude other legal action, and in no way limits the penalties, actions or abatement procedures that may be taken by the City for violations of the Housing Code, the minimum maintenance code for existing non-residential buildings, the Unified Zoning Code or environmental health codes.

An initial \$25 neglected vacant and/or neglected building registration application fee is required, and will be used to help offset the administrative expenses of OCI and other City Departments.

**Johnson** asked if there will there be enough staff to enforce these ordinances and pursue court cases. Mr. Schroeder stated that with the diversion program that will be offered for first time offenders, it is anticipated that the court case load will decrease.

**Mollhagen** asked how many landlords, homeowner and realtor organizations has input been sought from when developing these ordinances? Mr. Schroeder responded that a few landlord associations were met with to discuss these changes.

**Goodpasture** asked if once a property is rehabbed, does it have to be sold to a non-profit or owner-occupant? Mr. Schroeder replied that this is correct.

Several Board members requested clarification on existing codes and timelines for enforcement compared to new ordinance requirements

**Scott Daniels** and **Richard Giordano, representing Rental Owners, Inc.**, made the following comments:

- There should be a process which allows the violator to convert fines assessed into improvements on the property which the violator would have to complete and show proof of within 90 days.
- A private process server should be hired to make sure that court papers are served to frequent out of town violators
- No properties should be required to be registered, as this is already done through the County Appraiser.
- The fee assessment structure is too stringent on those property owners who own numerous properties in blighted neighborhoods and act in good faith to continue to address property deficiencies, but may not have the financial means to correct in the time allotted.
- More stakeholders need to have input on these revised ordinances

**Mayes** asked **Mr. Daniels** how often his organization members have to go to court on these violations? **Mr. Daniels** replied not very often.

**Trista Curzydlo, Wichita Realtors Association**, commented that houses and properties rent better in well-maintained neighborhoods, but there is a concern with the agreements on plans of maintenance proposed in these ordinances and the new rushed time frames for these new ordinances to be enacted.

**Action Taken:** Provided comments and input on the proposed ordinances.

## **7. Neighborhood Revitalization Areas (NRA's)**

**Marty Miller, Housing and Community Services**, presented this item. Recently, staff of the Department of Housing & Community Services and the Wichita-Sedgwick County Metropolitan Area Planning Department met with the Neighborhood Revitalization Area (NRA) Task Force to present staff recommendations for changes to the HUD and State Neighborhood Revitalization Area, and the City's Local Investment Areas. The Task Force is made up of members representing USD 259, Sedgwick County, and City departments. The staff recommendations were made in accordance with State NRA requirements to identify a substantial presence of deteriorated or dilapidated buildings and the HUD Neighborhood Revitalization Strategy, which requires that the area be primarily residential and contain a high percentage of low and moderate-income households.

The Task Force recommended the addition of the boundaries designated in the South Central Neighborhood Plan which are: Kellogg on the north, the Arkansas River on the south and west, and Washington and the railroad tracks, from Pawnee to the Arkansas, on the east. The current NRA boundary extends south to Harry Street; therefore the new boundary would add the southern half of the South Central Neighborhood Plan. All other current NRA boundaries were recommended to remain unchanged.

The Task Force recommended adding the South Central Neighborhood Plan Boundaries as a Local Investment Area. The Task Force recommended keeping Hilltop, Planeview, Northeast, North Central, Delano and Orchard Breeze Local Investment Areas with no changes.

Mollhagen asked if this presentation was available on the web. Mr. Miller stated that this presentation can be found on the city's website.

**Council Member Schlapp** asked if projects can be funded which are outside of the NRA boundaries? **Mr. Miller** replied that as long as the property meets the required guidelines that it can be eligible for funding assistance, but it is just a more extensive approval process than for those properties located within the NRA boundaries.

**Johnson** asked why it is proposed to expand the NRA boundaries when we cannot provide enough resources to the already existing NRA areas? **Mr. Miller** answered that the proposed boundaries are being expanded because after careful staff review, it was determined that some of the areas in most need of assistance were not included in the current NRA boundaries.

It was inquired how the Redevelopment Authority (RDA) will work in cooperation with the NRA's? **Mr. Miller** commented that the NRA follows urban renewal guidelines and that the RDA will further enhance assistance to the NRA areas.

**Action Taken:** Provided comment regarding the NRA Task Force recommended boundaries for the Neighborhood Revitalization area and the Local Investment Areas.

## **BOARD AGENDA**



## **8. Updates, Issues, and Reports**

**Mollhagen** stated that after visiting the new park site acquired around Central and Greenwich, he was impressed with the topography and development potential. **Johnson** further commented that he particularly liked that the adjacent property owners wish to keep the area natural, which is desired by many in the area so that they have an open space for leisure with few other distractions. **DeVries** asked if the bike path will be connected to this property. It is replied that while the bike path will not be connected, the property is large enough to make a bike and walk path around the perimeter.

**With no further business, the meeting adjourned at 9:33 p.m.**

The next DAB II meeting will be **November 6**, 2006 at the Rockwell Branch Library.

Respectfully Submitted,

Kelli Glassman, Neighborhood Assistant